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AT LYNCHBURG, VA
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OCT 21 2005
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA,

v.

CHARLES A. BLY,

Defendant.

CRIMINAL CASE NO. 3:04-CR-00011

OPINION AND ORDER

JUDGE NORMAN K. MOON

This matter is currently before the Court on Defendant's Motion to Modify Conditions of Detention pursuant to 18 U.S.C. § 3143(a) and request for an order authorizing the release of protected health information pursuant to 45 C.F.R. § 164.512(e)(1)(i).

Defendant reportedly suffered a massive stroke on October 20, 2005, and is currently a patient at the Neurology Intensive Care Unit at the University of Virginia Health System. His attorney has been denied any information concerning his condition.

The Court does not have sufficient information to make the findings necessary to order that Defendant be released pending his sentencing. *See* 18 U.S.C. § 3143(a). Defendant's motion to modify Defendant's condition of detention therefore is DENIED.

However, to enable Defendant's attorney to collect information and potentially renew his § 3143(a) motion, the Court ORDERS that Willis J. Spaulding, Defendant's attorney, be provided information concerning Defendant's condition and prognosis in connection with the October 20 stroke. The Court notes that its order issues "in the course" of a judicial proceeding as

required by 45 C.F.R. § 164.512(e)(1)¹ and is limited in scope as stated above.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a copy of this Order to all counsel of record.

ENTERED:

Norma K. Moon
U.S. District Judge

October 21, 2005
Date

¹ Because of this limitation, the Court is not at liberty to disclose protected health information to Mr. Bly's wife as requested by Defendant.